

Mr. Cooley Accepts the Nomination for Mayor.

as usual, confirmed that conclusion. Mr. Andrews closed

The counsel for the prisoner concluded his address at twenty minutes before 8 o'clock, and was followed by the District Attorney in behalf of the people. He said that the alleged negroes had been barred away for money, and that the voice heard had been barred away for money. We lived in the American age of cheapened human life; he had considerable sympathy for the accused because of the conditions of the country. The evidence, however, showed, in his opinion, that the accused was altered. Mr. Hall glanced at the evidence adduced on the trial of

the cause, affirming that Rogers was the perpetrator of the crime, and that he was not the aggressor. He argued at great length that the law of this State demanded that the jury should be convinced beyond the idea simultaneously with striking the blow. Mr. Hall loved the city of New York, and he feared for its future and he asked the jury to spare the defendant from the gallows, and then in making the accused an example to do so unflinchingly, and leave the result to the Executive.

At a quarter to 4 o'clock Judge Russell proceeded to charge the jury. He said that the State had the most capital cases the prosecution depended on circumstantial evidence to sustain the indictment. It was rarely that a man was convicted on circumstantial evidence. A man who struck the blow he took special pains that no one saw him. The evidence in this case was of a positive character. The State had the testimony of a physician, a doctor and the various grades of manslaughter, and applied the evidence in the case to the law. His charge, which was brief, was unfavorable to the prisoner.

At 4 o'clock the defendant was taken to the courtroom at 4 o'clock, and returned to the court room at ten minutes to 5, and answered to their names amid the breathless attention of the court and the jury.

The Clerk asked if they had agreed upon a verdict.

The Clerk—We have.

Clerk—What say you? Do you find James Rogers, the prisoner at the bar, guilty or not guilty?

Foreman—Guilty.

The Court then proceeded to read the indictment, and the verdict, but maintained the same incensibility as he manifested during the trial.

The jury then retired, and the court adjourned till this morning.

After the audience was dismissed, the mother and sister of the prisoner came down to him with expressions of sympathy, and wept and moaned in the most piteous manner. The scene was too much for the stoutest heart to gaze

He Honor did not intimate when he would sentence him, but it is probable that he will be sentenced at the close of the present term.

IMPORTANT FROM KANSAS.

Governor Walker's Answer to the Mandamus of Judge Cato.

TO THE HON. R. G. CATO, U. S. JUDGE OF THE SECOND JUDICIAL DISTRICT OF THE TERRITORY OF KANSAS.

The undersigned, Robert J. Walker, Governor, and Frederick J. Stanton, Secretary of Kansas Territory, respectfully

That they have been served with notice of an order of rule, dated Oct. 28, 1857, from the Judge aforesaid, requiring them to show cause why a writ of mandamus should not be issued, upon the petition of Samuel J. John, William Hall, Hiram Hesseo, J. H. Danforth, John T. Thompson, John W. Jones, James A. Wagoner, C. S. Thompson, Thos. H. Sykes and W. B. Winsor, claiming to have been elected members of the Legislative Assembly of Kansas Territory, to the first session of the same, to be held at Topeka, in the month of January, 1858, to the said Territory, to wit: on the 5th and 6th days of October 1857, and that they ought to be commissioned by us, the undersigned, as aforesaid, to the said Territory, as Representatives of the said Assembly, as proposed by law to meet on the first Monday in January, A. D. 1858.

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put in here in distress, having experienced a severe typhoon near the Foster Island. She was bound from Foo-chow-foo

er, Smith, Penang (and add 9th for Shanghai); 12th, Borneo, towards Batavia.

THE TURF.
 ED HOUSE TROTTING COURSE HARBOR.

posed against the jurisdiction of the Judge in this case, and to demur to this proceeding for the following reasons—

First, because the constitution and laws of the United States, and of this Territory, they are not subject, in the discharge of the duties of their respective offices, to the control, supervision and direction of the said Judge by way of appeal or writ of habeas corpus.

Second, because under the laws of Congress and of this Territory, it is made their duty, and not of the said Judge, to cast up the votes given to the candidates for the offices of Governor, Secretary and Auditor, in the presence of the Governor. Whereupon, having obtained from the returns, found by them to be genuine, legal and valid under the provisions of law, the persons

Third, over the exercise of the judgment of the undersigned in the premises, involving controverted questions of law and fact, the said Judge has no control by way of mandamus, nor has he the right to lay aside his duty and oblige him to direct them in the discharge of their said duties.

Fourth, Because it has been well settled by the Supreme Court of the United States, that the District Court, Northern District of Oregon, Court of the United States, (as the District of Columbia,) has power to issue a mandamus to a judicial officer, and as regards said court

control of purely ministerial acts, involving no controversy as to law or facts, and permitting no exercise of judgment or discretion.

Under no act of Congress, or of this Territory, does the court authorize said Judge to issue a mandamus to any Federal officer in any case whatsoever, nor could any Territorial law confer such power.

It is well settled by the Supreme Court of the United States, and by other judicial tribunals, that a writ of mandamus can be issued only where there is no other remedy, or where there is no authority vested elsewhere to correct the error, or where the writ is a mandamus, or to correct his error. Whereas, in this case, if it be true as stated (which is denied), that the parties named in this rule or order have been elected to the offices

[illegible]

Ninth. Because the act of giving certificates of election to persons who are not citizens of the United States directly affect important rights of other persons, claiming as we believe justly, to have been duly elected to the same offices, which said persons are not made parties to this proceeding, we pray that the court will grant a writ of mandamus to compel the defendants to do the following:

ties of Douglas and Johnson as aforesaid, and finding by the genuine, valid and legal returns thereof that Lyman Allen, Carmo W. Hallock and Edwin S. Nash Jr. were duly elected to the office of United States Senator by the people of the State of New Hampshire, and that Bentley, Oliver Barbour, Hiram Appleman, Andrew J. Still, George W. Vane, Gideon Seymour and John Lockbarbar were duly elected to the office of United States Representative by the majority of votes for members of the House of Representatives in the State of New Hampshire, and that the said dates of election were, before the date of said rule or order issued in due form of law to the said persons respectively, for the office aforesaid, which certificates are now on file in the office of the Secretary of the State of New Hampshire to recall. It is therefore impossible for the undersigned to issue certificates to the other parties named in the said rule or order.

that the honorable Judge will decline to exercise the jurisdiction claimed in this case, they feel it their duty to pay, most respectfully, that they would regard a judgment rendered in this case as a usurpation of power, and therefore a nullity, which under their oath of office it would be their duty to disregard.

In view to prevent a dangerous conflict, between the judicial and executive power, and to enable the Supreme Court of this Territory, or, as a final resort, the Supreme Court of the United States, to correct any error that may be committed by the Territorial Court, and to stand against them on this rule or order, they pay an appeal to the Supreme Court of the Territory, it having been decided by the Supreme Court of the United States that a judgment of

The undersigned beg leave further to state, that, if the said Judge should command them to issue certificates of election to the persons named in the foregoing list, and subject them to imprisonment for disobeying his order, as they would be compelled to do by their conviction of their usurpation and utter nullity, and because the persons named in the foregoing list have already been issued to other persons, such is their desire to maintain the peace of this Territory that they will submit individually to such imprisonment; and if any tumult should be apprehended from such conduct, they will at once suppress it by the most severe means. Inasmuch as the most heinous frauds which have been perpetrated upon the elective franchise in the recent election, the Governor will direct the regular troops of the Territory to be stationed at the polls, and to be ready to suppress any tumult that may be attempted.

The United States *consul* in aid of the sheriff or marshal, and the *sheriff* or marshal, may be directed by said Judge to execute said mandate of imprisonment.

H. J. WALKER,
Governor of Kansas Territory.

FRANK P. SHASTON, *Secretary*.

Naval Intelligence.

The United States ship of war *Portsmouth* sailed from Shanghai on the 25d of August for Japan.

A letter from our correspondent, dated St. Helena, Sept. 24, announces the safe arrival at Cape Town, C. 6. H., of the *Albatross*, the member of the United States steam frigate *Munroe*, Captain *W. H. McNeill*, bound from Norfolk for China, having on board Mr. Reed, the United States Ambassador to China. All were well on board. The *Munroe* was

would probably not proceed on her voyage. The Min-
 neapota, it will be recollected, sailed from Norfolk June 30.
 Hampton July 2, and was spoken August 6, latitude 8 de-
 grees 13 minutes, longitude 52 degrees 40 minutes, about
 the mouth of Cape St. Roque, at which time it was expected
 the Minneapota would reach the Cape of Good Hope in
 twenty-six days. This calculation proved nearly correct.
—Boston Advertiser. Nov. 11.

PAVAL. Capt. [and I have to inform you that on the last night, the 28th inst., a schooner, of New York, Capt. Quinn, arrived here with load of live yard, sails and bulwarks forward. She is repairing and will probably leave for Havana in a few weeks. Capt. Quinn reports that the schooner, which he says is the first to have arrived, he has now nearly recovered from the effects. On the 4th, the ship Nicholas Hiddle, of New York, arrived, and on the 6th, the ship, the *Albatross*, of New York, arrived on the 20th inst., the same day as the *Barrelled*, by which she lost four reports, with all her cargo. The ship, the *Albatross*, of New York, arrived here, by the ship, of New London, arrived here to-day, reports that on the 4th inst., being about thirty miles to Kentward of Florida, she was overtaken by a schooner, which she says was from the north, and all three masts gone. Capt. P went alongside, but being near night and rather rough, he did not board her, but she was seen to be a schooner, and he says she was from the north. There were two whale ships near her, and we may have fur-

Whalesmen.
Dropped below Warren 10th inst. bark Eagle, date Dromedary, color black, white, blue, red, yellow, green, brown, grey.
Heard from June 21, on the Vaseque Ground, Sophia Thorne, Nichols, R. H. Wap
since last report.
Speakers 25, lat. 36.50 N, 106. Kingston, Station, of and from New Bedford for Indian Veen, 5 days out.
Spoken, &c.

Steamship Northern Light, hence for Apinaw, was passed
Ship Sir Robert Peel, hence for Liverpool, Nov 12, 75 miles
E of the Highlands.
Ship Sir Robert Peel, from Ruckman, from London for Kurra-
chee, Sept 8, lat 5 S 30 E, lat 17 S 53 W.
Ship Genoa, from Boston for London, Nov 10, Cape W
100 miles.
Ship Lucy Johnson, Johnson, from New London for South
Carolina, Cape of Africa, Sept 25, lat 24 S 0 E.
Ship George, Cotton, from Liverpool for Charleston, Oct 18,
lat 43 S, lon 17.
Ship Sir Robert Peel, from Richmond and City Point for Rio Ja-
neiro, Oct 50, lat 23 S, lon 54 (44 not as before).
Ship Trajan, from Bordeaux for NYK, Nov 3, lat 43 S 45
E.
Ship Ellen Bernard, Bourne, from Boston for Mobile, Nov
10, Cape W SW 15 miles.

Foreign Ports.

[illegible]

chers G.H. Townsend, Davis, from NYork, do North Point,
arr some day. Ed Oct 1, harks Virginia, Missis, Baltimore
Oct 1, harks Boston, U.S. States, Md., Maxwell, for
Baltimore, do McPhillips, for Richmond, do Le Preston,
for Orleans, do Gil Sept 30th, ship Rattler, Orleans, back
New Orleans, do McKim, Sil 20th, ship Erie, back, Geor-
Arr at do Sept 30, bark Evelyn, do Prospect.
do do do do do K about Nov 1-In pa. br J P Snow, for
NYork 4 days.

STEPHEN, NB, Nov 17-Arr sch J P Johnson, Huntly
Seymour

[PER STEAMSHIP AGENCIES.]

AUBURN, Oct 30-Bark Bertha, for New York.
Answept Oct 27-Arr Undaunted, Freeman, Call, Olan,
Gardner, Polley, Hayden, NYork.

NEW YORK, Oct 30-Bark Revenue, Hlowes, Boston (arr)

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MALTA, Oct 11—Arr John Wesley, Sylvestor, Cardiff.
MEXICO, Oct 10—Arr Independence, Haskell, New York; Sit
Wierzbner, Boett, Manila.
NEWCASTLE, Oct 11—Ar of Wabash, Pariente, New York.
NORFOLK, Oct 10—Arr Independence, Haskell, New York; Ar
from NY for Hiram, Zib Rugey, Noyes, from Norway for
do do.
PACIFIC COAST, Aug 19—Arr Ann Maria, Rhodus, Singapore; Rept
12 Minister, Norwood, do, Sid Aug 21 Surprise, Randlett, Hong
Kong and Singapore.
PARIS, Oct 10—Arr 26—Ed Western Star, Hammond, Fair-
mouth.
PROCESSION, Oct 24—Arr Ceres, David, Mobile.
RECHICHEL, Oct 24—Arr Azar, Vahay, New York.
RICHMOND, Oct 27—Arr Horatio, Hathaway, London; 28—
Tribune, New York.
SWANSEA, Oct 25—Arr at Mumbles, Polar Star, Field,
York.
TUESDAY, Oct 28—Arr Acate, Nelson, New York.

NYMENA, CG 12—Arr Ocean Breeze, Leighton, Trieste; La Jolla, Eldridge, CG. 13th Sea Breeze, Hall, Marselles.

SEAFAROS, CG 26—in the roads ships Rounda, Percy, and Sylvanus Blanchard, Lawrence, from Sunderland for New York.

SINGAPORE, AUG 28—Arr Surprise, Raniet, Penang (and aid Sept 2d for Hong Kong); 20th, Hindoo, Miller, Calcutta (and aid Sept 6th for Hong Kong); Teenderooa, Royle, Bombay (and aid Sept 2d for China); Sept 1st, Rock's, Saunders, Hattaya; Nymph, Price, New York; 7th Gen'Loo, Hartford, Macao (and aid 14th for Calcutta); Raven, Worth, New York; Bea-

WANTED—A FARM OR COUNTRY SEAT. FOR which from \$5,000 to \$20,000 will be paid according to value. No one need apply who expects to sell at the rate of interest on the value of the property. No cash or bonds or promissory notes on paries who have not suspended, and which are secured by a lien on a valuable government property, will be used. Write to the Hon. J. M. Emerson, Secretary of the Navy, Washington, D. C., or to the Hon. J. M. Emerson, No. 371 Broadway, New York City. The advertisement should contain a description of property, buildings, price, &c.

WANTED—IN BROOKLYN, BETWEEN FULTON AND V
Atlantic streets—A modern built three story brick

WANTED—RENT FROM \$200 TO \$500. Address C. O. H., care of W. Cornell, corner of Fulton and Clark streets, Brooklyn.

WANTED—A HANDSOMELY FURNISHED SUIT OF CLOTHING for a man of about 35 years of age, with a family of small family, in the upper part of the city. Address box 467 Post-office, stating full particulars.

WANTED—BY A LADY AND GENTLEMAN, having their own servant, furnished apartments, consisting of a parlor and two bedrooms, with bath, with a view of the ocean, in the neighborhood of Fourth avenue. Address G. E. M., box 177 Herald office.

WANTED—FOR EIGHT MONTHS, THREE ROOMS, on the first or second floor of a modern built house, with a view of the ocean, for a family of one child and servants. References given on request. Address J. K., box 690 Post-office.

WANTED—A NEAT MEDIUM SIZE HOUSE, not above Twenty-five to Thirtieth street, between Fourth and Sixth avenues, with all conveniences, to rent; or the lower part of one, well adapted, not to exceed \$300 per month. Address V. M. Herald office.

WANTED—A FURNISHED HOUSE IN NEW YORK CITY, on a moderate rent, for a small family, can furnish own bedding and crockery, or would take a whole house and board the occupants. Address Country, box 1029.

WANTED FOR THE WINTER—A SMALL NEATLY furnished house, or part of a house, or board, for five persons, in a family where there are no other boarders. Address H. H. L. Post office.

WANTED IMMEDIATELY—A SMALL HOUSE FOR A
 family of four persons, with all modern improve-
 ments. Rent not to exceed \$600 per annum. Address H. W.
 Fox, 5283 21st office.

HORSES AND CARRIAGES.

FOR SALE—A PAIR OF MARES, JUST FIT FOR A
 carriage or for riding on horseback. They are the best and
 very cheap, as the owner is going away. Can be seen at 560
 Madison Street, New York.

FOR SALE—A VERY SUPERIOR COUPÉE, IN PER-
 fect condition, respects with new coat, cost \$500; will
 be sold at nearly half price, if applied for immediately. A
 rare opportunity for any one desiring such an article. Ap-
 ply at the factory, in Thirteenth Street, near Broadway.

HORSE SALE—FOR ONE THOUSAND DOLLARS, ONE of the best and kind together or separate, apply at 161 Varick street.

HORSE SALE CHEAP—TWO HORSES—ONE A PONY, a fast trotter; also, a light buggy with leather top and set of harness. Apply in the paint store corner Court and Douglas Streets, Brooklyn.

HORSE SALE CHEAP—A LOT OF HORSES, IN GOOD working condition. Apply at the Harlem Railroad office, corner of Twenty-sixth street and Fourth avenue.

HORSE SALE CHEAP—A GRAY MARE, SIX YEARS OLD, last spring, perfectly sound, and can trot easily in four minutes. Price \$150. Apply to J. WILDE, 11 Dutch street.

HORSES FOR SALE—A PAIR OF VERY HANDSOME and fast horses, for sale at a low price. Apply to J. WILDE, 11 Dutch street.

HORSES FOR SALE.—A FINE RAY HORSE, 15½ hands high, weighing 1,100 lbs. sound and kind, without any shoeing, and ready for work; cheap for cash. Will be exchanged for staple dry goods or boots and shoes. Address W. H. K., box 1,321 Post office.

HORSES WANTED.—A PAIR OF HORSES, 15½ to 16 hands high, young, sound and fast; need not match in color. Any person who has a pair may address box 621 Post office, stating full particulars.

HORSES KEPT.—A FEW HORSES WILL BE RECEIVED on a firm and ready cash, to be kept for the winter. Apply to SMITH & SHAW, 244 Washington street.

FORSE KEPT THROUGH THE WINTER, AND WILL be cared for by an experienced person, on a Long Island tract, also wagon, taken on storage, and large, roomy stable, with a large stall, also lot, at HENDERSON'S stable, 128 East Broadway.

SADDLE HORSE WANTED—ANY ONE HAVING a young, well bred saddle horse, sound and kind, to sell, or to trade for a pair of harness horses, or a pair of stallions, Northern Horse, foot of Cordland or American.

WANTED TO PURCHASE—FOUR OR FIVE HORSES from 12½ to 16 hands high; they must be of fine style, and kind, and must be able to trot a mile in from 3 to 4 minutes; also a pair of light harness horses, able to trot a mile high, must trot together in 35 minutes; also a fine grey or black horse, 15½ to 16 high, can trot in 2:40. Apply to J. W. HARRIS, 100 West Broadway.

WANTED-A SECOND HAND ROCKAWAY CARriage, to carry six, also a horse not over eight years old, cash, to suit the owner. Apply to HENRI SAW, WILKINSON & GATES, room 14 Moffat Building, 333 Broadway.

WATCHES, JEWELRY, &C.

LARGE INVOICE of Beautiful, new and FASHIONABLE JEWELRY for IMMEDIATE SALE. EXTREMELY LOW. We invite our customers FOR CASH.

To make their selections

ROBERT RAIT & CO.,
261 Broadway, corner of Warren street

N INVOICE OF **\$20.00** Worth of

GOLD AND SILVER WATCHES,
bought at recent sales.

WILL BE SOLD RETAIL,
AT 40 PER CENT BELOW THE REGULAR PRICES,
FOR CASH.

All goods warranted.

ROBERT RAIT & CO.,
261 Broadway, corner of Warren.

GREAT REDUCTION
WATCHES AND JEWELRY.

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Every English patent watch, **£10**, usual price **£20**
 Every English Patent watch, **£5**, usual price **£10**
 Watches exchanged. **GEO. C. ALLEN,**
 Importer of watches and jewelry, wholesale and retail,
 No. 11 Wall street, second floor, near Broadway.
 YOU ARE Invited to the store of **ROBERT RAIT & CO.,**
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 look at the **SPLENDID**
 PATENT JEWELRY
 AND
 WATCHEES
 of
 THE BEST MAKERS KNOWN.
 All goods Warranted.

CARPETING, UPHOLSTERY, &c.
TREAT RACETRICE
OF CARPETS.
 owing to our heavy importations and the financial pressure,
 we have concluded to dispose of our stock at retail for cash,
 without regard to cost, consisting of
 Bedellons, Wiltons,
 Velvets and Brussels.
 Heavy shag cloths, &c.
 POLYESTER, a new one
 241 Broadway, opposite the park.
BILLIARDS.
WILLIAMS' VULCANIZED RUBBER CUSHIONS—AP-
 proved of by General James Watson Webb, and tested
 by the United States Army and Navy.

DELANE'S PATENT BILLIARD TABLES—PARTIES
waiting good billiard tables will find the most favorable time to purchase. A large lot of new and second hand tables, with complete sets of balls, cues, line, cloth, for cash. Also, billiard balls. In the basement. Free, cheap, for cash. Rooms 726 and 728 Broadway; manufacturing 35 Nassau street.

HOTELS.

NORTHLAND STREET HOTEL.
No. 29 Northland street.
Board reduced from \$2 to \$1.50 per day.
J. S. STEPHENS, Proprietor.

ROYAL QUEENS HOTEL, CLIFFORD AND CORK
streets. Burlington Gardens, new band street, for families and single persons. Rooms 100 and 102.

SEAGARS.
TO CASH OFFER REFUSED FOR SEAGARS.—Two millions of the various grades of Havana, domestic and foreign, are now offered for sale at the best cash offer possible. A.B.—Cash advances made on invoices of Seagars.
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